

**CITY OF SUGAR HILL  
COUNCIL MEETING MINUTES  
MONDAY, MAY 12, 2014, 7:30 P.M.  
CITY HALL COUNCIL CHAMBERS  
5039 WEST BROAD STREET  
SUGAR HILL, GEORGIA**

**CALL TO ORDER** – by Mayor Edwards at 7:30 p.m. Present were Mayor Steve Edwards, Mayor Pro Tem Marc Cohen, Council Members Susie Gajewski, Brandon Hembree, Curtis Northrup and Mike Sullivan. Also present were City Manager Bob Hail, City Clerk Jane Whittington, City Attorneys Frank Hartley and Lee Thompson and in-coming City Manager Paul Radford.

**PLEDGE OF ALLEGIANCE TO THE FLAG  
INVOCATION** – given by Mayor Edwards.

**PROCLAMATIONS & AWARDS**

**75<sup>th</sup> Anniversary Essay Contest Winners** – Mayor Pro Tem Cohen presented Nicole Salerno and Kolby Skolnik with a Certificate of Excellence for their winning essays in the 75<sup>th</sup> Anniversary Tim Capsule Essay Competition. Kolby Skolnik won for Life in Sugar Hill Today 2014 and Nicole Salerno won for Sugar Hill in 2089.

**APPROVAL OF AGENDA** – Mayor Pro Tem Cohen motioned to amend the Agenda to table #2 on the Consent Agenda to allow further research. Council Member Sullivan seconded the motion. Approved 5-0.

**APPROVAL OF MINUTES** – Council Meeting April 14, 2014, Work Session April 7, 2014 – Council Member Gajewski motioned to approve the minutes as written. Council Member Hembree seconded the motion. Approved 5-0.

**CITY ATTORNEY’S REPORT**

**COUNCIL REPORTS**

**MAYOR’S REPORT**

**CITY CLERK’S REPORT**

**CITY MANAGER’S REPORT**

**CITIZENS AND GUESTS COMMENTS** – There were no comments from citizens or guests.

**CONSENT AGENDA**

**MGAG Resolution & Contract**

**Property Maintenance Liens Transfer or Sale** – Tabled for further research

**Ratify Prison Contract Gwinnett County**

Mayor Edwards asked the City Manager to explain the two items on the consent agenda. Mayor Pro Tem Cohen motioned to approve the Consent Agenda. Council Member Sullivan seconded the motion. Approved 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**Public Hearing, VAR-14-003, Gravel Parking, 695 Brogdon Rd.** – Planning Director Awana explained the application. The gravel pad is existing and the zoning is HM1. The Planning Department received an application for relief from the plan and design standards for off-street parking. The request is to allow NFI, a logistics firm, to park semi-trucks/trailers and passenger vehicles on an existing gravel area. The staff recommends approval with five conditions. The applicant has requested removal of the requirement for size 57 stone (condition 2.a.). Staff has no problem with that being removed. The public hearing was opened and Lee Tucker spoke on behalf of the applicant Troy Adams. The applicant has requested that the size of the stone be removed because the existing stone is bigger than that and they want to utilize that stone. There were no other comments for or against so the hearing was closed. Council Member Northrup stated that the existing fence is three different colors and asked if they would paint the fence. Mr. Tucker stated that they would paint it. Council Member Sullivan motioned to approve VAR-14-003 striking staff condition 2.a. size of stone. Council Member Cohen seconded the motion. Approved 5-0.

**Public Hearing, VAR-14-004, Architectural Standards, Bamford Dr.** – Planning Director Awana explained the application. The planning department received a variance application for relief from Zoning Ordinance Section 608, Architectural Design Standards. The request is to allow development of a commercial building with a flat roof, brick front and metal siding on three sides. This is in combination with the next agenda item VAR-14-005. The applicant is Peoples Bank & Trust and the zoning is LM. The staff recommends approval with five staff conditions. The public hearing was opened and Ted Williams, Executive Vice-President of Peoples Bank & Trust spoke in favor of the variances. They have a company that wants to relocate from Suwanee to this location. It is not economically feasible to make the building four sides brick. No one else spoke in favor of the variance.

Paul McAdams, 871 N. Price Rd. spoke against the variance. He stated that he was not necessarily against it but he has a big deck on the back of his house that backs up to this property. He requested a double row of Leland cypress to block the building. There is an existing landscape plan that goes with the variance. Mr. Madams was pleased with this plan. No one else spoke in favor or against so the hearing was closed. Council Member Gajewski motioned to approve VAR-14-004 with the five staff conditions. Council Member Northrup seconded the motion. Approved 5-0.

**Public Hearing, VAR-14-005, Architectural Standards, Bamford Dr.** – The Planning Director explained that this variance was covered along with VAR-14-004. The public hearing was opened and no one spoke in favor or against the variance. Council Member Gajewski motioned to approve VAR-14-005 with the five staff conditions. Council Member Sullivan seconded the motion. Approved 5-0.

**Public Hearing, Road Abandonment – Benefield Rd.** – Planning Director Awana explained that this request is from Blakely Land, LLC. They submitted a petition for partial abandonment of Benefield Rd. in response to a zoning condition tied to the future development of a residential subdivision. The request is to abandon a section of Benefield Rd. from the proposed entrance of Warrenton Subdivision to its terminus. The purpose of the petition is to comply with zoning conditions of RZ-06-003, #5. Staff recommends abandonment with no conditions. The public hearing was opened and Bill Schroeder, President of Blakely Land LLC, spoke in favor of the road abandonment. He stated that they have an agreement from Pam Tolbert who is the resident that would be cut off from a back entrance on Benefield Rd. Ms. Tolbert is in agreement with the abandonment.

Phil Gardner, 5635 Henry Bailey Rd., spoke against the abandonment. There was discussion regarding moving the water line so Mr. Gardner's gate could be moved to the left corner of his lot making the abandonment acceptable. Mr. Schroeder stated that they have tried to be good neighbors and work with Mr. Gardner. They have offered \$5,000 to repair the rotted wood on the back of the house, a six foot wooden privacy fence to replace the chain link fence, a new water line and landscaping at fence.

Ms. Zumbro, 5625 Henry Bailey Rd., stated she had no problem with condemning Benefield Rd. She has not received anything for the corner of her lot.

There were no other comments so the public hearing was closed. Council Sullivan asked Mr. Schroeder what his time frame is for this to be approved. Mr. Schroeder stated that the homes would be \$350,000 with a nice entrance and would not look as nice with the road not closed. Council Member Cohen motioned to approve Benefield Rd. abandonment. Council Member Sullivan seconded with comment. He requested that the parties try to work out the issues. Council Member Cohen stated that it is outside of the road abandonment. Council Member Sullivan removed his comment and the second stands. Approved 4-1 with Council Member Hembree voting nay.

#### **RZ-14-002, Zoning, Public Hearings, 2014 Legislative Annexations – Planning Dir.**

(1) Public Hearing R7323032, Sycamore Elementary Office/Institutional O/I – The public hearing was opened and there were no comments so the hearing was closed. Council Member Sullivan motioned to approve to rezone the Sycamore Elementary property to OI. Council Member Gajewski seconded the motion. Approved 5-0.

(2) Public Hearing R7256152, R7256012, R7256150, R7257237, R7257092, R7257247, Lanier High School O/I – The public hearing was opened and there were no comments so the hearing was closed. Council Member Northrup motioned to approve the rezoning of Lanier High School property to OI. Council Member Hembree seconded the motion. Approved 5-0.

(3) Public Hearing R7364062, R7364009, R7364060, Lanier Middle/White Oak Elem. O/I – The public hearing was opened and there were no comments so the hearing was closed. Council Member Sullivan motioned to rezone the Lanier Middle School and White Oak Elementary property to OI. Council Member Gajewski seconded the motion. Approved 5-0.

(4) Public Hearing R7339216, R7339218, R7339219, R7339214, R7339217, R7339027A Publix and Others, General Business (BG) – The public hearing was opened and there were no comments so the hearing was closed. Council Member Cohen motioned to rezone the property known and Publix and others including outparcels to BG or General Business. Council Member Hembree seconded the motion. Approved 5-0.

**2014 Zoning Map Update** – Planning Director Awana explained that the zoning map dated May 12, 2014 be adopted to incorporate any changes in zoning since its last adoption January, 2010. Included in the map are administrative changes to align zonings with past zoning cases. The City Attorney Frank Hartley stated that you can change zoning as part of the zoning map but you cannot place conditions on the zoning as you could if they came to the Council for a rezoning. Anything that is

allowed within that particular zoning would be allowed. The public hearing was opened and Bob Mincey, 5260 Overbend Trail, Suwanee spoke regarding his property on Peachtree Industrial Blvd. The property was zoned HM1 and he had it rezoned to BG. The allowed uses have changed in BG and he needs it to be as he originally had it rezoned. There were no other comments so the hearing was closed. In 2007 the zoning ordinance was changed and body shops were no longer allowed as it was allowed before. A text amendment to the zoning ordinance versus a rezoning would take the same amount of time. Council Member Sullivan stated he is good with adopting the zoning map including changes to HM1. Council Member Hembree noted that HM1 Zoning requires screening. Council Member Northrup stated that he prefers that this be taken through the zoning process. The public hearing would allow citizens and property owners to weigh in.

Council Member Hembree motioned to table this Zoning Map Update to next month's meeting. Council Member Cohen seconded the motion to table the 2014 Zoning Map Update for 30 days along with the rezoning of the three properties. Approved 5-0.

**Public Hearing, Zoning Ordinance Amendment Alcohol Sales – Planning Dir. Request to Table after Public Hearing** – Director Awana is requesting to table this to coincide with the alcohol ordinance amendments that will be coming forward. The public hearing was opened and there were no comments so the hearing was closed. Council Member Cohen motioned to table the Zoning Ordinance amendments Alcohol Sales. Council Member Northrup seconded the motion. Approved 5-0.

**Public Hearing, Zoning Ordinance Amendment Signs (Art. 10 & Art. 13)** – Planning Director Awana explained that the planning department was instructed to look into the zoning requirements related to temporary signs city wide, signs along State Route 20 and signs within the Central Business District (CBD) Overlay. The public hearing was opened and there were no comments so the hearing was closed. Council Member Hembree motioned to approve the zoning ordinance amendments signs (Art. 10 & Art. 13), as covered in page one and two of packet with under TCO Staff Recommendation, Standards: make a new number vi) and vii) by moving number v) Window Signs and vi) Door Signs from the CBD Signs Staff Recommendation. Council Member Cohen seconded the motion. Approved 5-0.

**Appeal Hearing Demolition of 4852 White Street** – The attorney for the applicant William Arroyo spoke regarding this appeal hearing. He stated that Gabriel Peneloza-Soto and his wife Maria are the victim of real estate fraud. He explained how the property was purchased and what transpired. The city has condemned the property as an unsafe structure. Mr. Arroyo asked for mercy on Mr. Peneloza-Soto and asked the Mayor and Council to defer for six months while he sues for rescission. The City Manager asked that if they delay then make sure it is secure and boarded up and the grass is maintained. Council Member Northrup motioned to table any further action on 4852 White Street for six months with the condition that the property is boarded up properly and the grounds are maintained and kept free of debris. Council Member Cohen seconded the motion. Approved 5-0.

**EXECUTIVE SESSION: TO DISCUSS LEGAL, REAL ESTATE AND/OR PERSONNEL** – Council Member Sullivan motioned to enter Executive Session. Council Member Cohen seconded the motion. Approved 5-0.

**PUBLIC ACTION TAKEN OUT OF EXECUTIVE SESSION (Possible Real Estate action) –**

The meeting was reconvened at 10:49. Council Member Sullivan motioned to direct the City to enter into a contract to purchase with Bobby Wheeler and heirs for parcels R7291080 and R7291130 on Temple Avenue for the combined purchase price of \$300,000. Council Member Cohen seconded the motion. Approved 5-0.

Council Member Sullivan motioned to direct Paul Radford to work with Tom Baughman to enter into a purchase agreement for 5059 West Broad Street, Sugar Hill for the purchase price of \$250,000 and the City will enter into a lease agreement with the current renters with the stipulation that the lease agreement will terminate and they will vacate the premises by August 1, 2014. Council Member Northrup seconded the motion. Approved 5-0.

**ADJOURNMENT:** Council Member Cohen motioned to adjourn. Council Member Hembree seconded the motion. Approved 5-0.

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Steve Edwards, Mayor

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Jane Whittington, City Clerk